

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MAINE**

UNITED STATES OF AMERICA	:	
	:	Criminal No. 24-CR-18-LEW
	:	
v.	:	
	:	
LUCAS LANDRY	:	

**UNOPPOSED MOTION TO REOPEN THE QUESTION OF DETENTION**

**NOW COMES** Defendant Lucas Landry, by and through his counsel, and respectfully moves to reopen the question of the defendant's continuing detention pursuant to 18 U.S.C. § 3142(f). Undersigned counsel has conferred with Assistant United States Attorney Andrew McCormack concerning the relief sought hereby and AUSA McCormack has no objection to the reopening of the question of detention. In further support of the motion, undersigned counsel represents as follows:

Mr. Landry first appeared before the Court in response to a Complaint on January 26, 2024. *See* ECF #9. The government filed a Motion for Detention against Mr. Landry on the January 23, 2024. *Id.* at #5. At the time of Mr. Landry's initial appearance and later at the time of his arraignment on the Indictment, Mr. Landry was retained in state custody and the Court entered a Conditional Order of Detention. *Id.* at ## 14 & 19. The probation office has not interviewed Mr. Landry and it does not appear that a pretrial services report was filed with the Court.

The defense recognizes that it is its burden to show changed circumstances to reopen the question of detention. It believes it has done so insofar as the question of Mr. Landry's release

federally was rendered moot by his status in state custody. That status, on information and belief, was resolved on or about March 14, 2024 when Mr. Landry's state court matters were resolved and he was transferred to federal custody. Before that no investigation of any kind was initially undertaken to determine whether conditions exist that might permit Mr. Landry's release. Since Mr. Landry's transfer to federal custody, undersigned counsel has undertaken such an investigation into whether or not conditions exist which might allow for Mr. Landry's release pending trial. The defense notes that the government has not invoked the "rebuttable presumption" standard pursuant to 18 U.S.C. § 1842(e)(3)(E). As such, counsel maintains that there may be conditions that can be presented to the Court which may permit the Court to fashion a suitable release order.

In the event, the Court grants the instant motion, counsel will work to schedule a time for Mr. Landry to be interviewed by the probation office and for it to follow up on the information which counsel has developed in support of a potential release plan.

WHEREFORE, for all of the foregoing reasons including that the motion is unopposed, Mr. Landry respectfully requests that the Court grant the instant motion, permit the question of Mr. Landry's continuing detention to be revisited and establish a date for hearing at which time the defense may proffer its information in support of its request for Mr. Landry's release.

Respectfully submitted,

Dated: April 24, 2024

/s/ James S. Nixon  
James S. Nixon, Esquire  
Assistant Federal Defender  
Office of the Federal Defender  
23 Water Street, Suite 206  
Bangor, Maine 04401  
Attorney for Defendant

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**CERTIFICATE OF SERVICE**

I, James S. Nixon, Esquire, Assistant Federal Defender, Office of the Federal Defender, attorney for the Defendant, hereby certify that on April 24, 2024, I electronically filed the Unopposed Motion to Reopen the Question of Detention with the Court via the CM/ECF electronic filing system which will send notification of such filing via said system electronically on the 24<sup>th</sup> day of April, 2024 to the following persons:

Andrew McCormack, Assistant U.S. Attorney  
U.S. DEPARTMENT OF JUSTICE  
202 Harlow Street, Rm 111  
Bangor, Maine 04401  
[Andrew.McCormack@usdoj.gov](mailto:Andrew.McCormack@usdoj.gov)

Dated: April 24, 2024

/s/ James S. Nixon  
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James S. Nixon, Esquire  
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Office of the Federal Defender  
23 Water Street, Suite 206  
Bangor, Maine 04401  
Attorney for Defendant